

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00610 JF
Plaintiff,)	
v.)	STIPULATION AND [Proposed]
BERNADETTE ESCUE,)	ORDER PERMITTING U.S. PROBATION
Defendant.)	OFFICE TO PROVIDE COPIES OF ALL
)	MATERIALS TO COUNSEL FOR THE
)	PARTIES

Defendant Bernadette Escue, through counsel, and Plaintiff United States of America, through counsel, and following consultations with the Probation Office, hereby stipulate as follows:

1. At the sentencing hearing on May 8, 2008, the Court deferred ruling on the issue of restitution, setting a further hearing date of July 16, 2008 to address the issue of restitution.
2. Counsel have conferred initially with Lori Timmons, the U.S. Probation Officer handling this matter. All parties (including the Probation Officer) agree that all documents and materials provided thus far by the entities requesting restitution should be provided to the Government, the defense, and the Probation Office, and that all such documents and materials provided in the future should be provided simultaneously to the Government, the defense and the Probation Office.
3. Ms. Timmons has indicated that her office previously has received documents and materials from the entities requesting restitution, but that her office cannot release copies of documents and materials, absent a court order. Nor can she release copies of documents and materials her office receives in the future from the entities requesting restitution, absent a court order.

1 4. In light of the above, the parties agree and stipulate that all documents and materials
2 provided thus far by the entities requesting restitution should be provided to the Government and the
3 defense by the Probation Office, and that all such documents and materials provided in the future by any
4 entity requesting restitution should be provided simultaneously to the Government, the defense and the
5 Probation Office.

6 5. Counsel have provided Ms. Timmons with a copy of this proposed stipulation and order
7 for review, and she has indicated that this is what is necessary for her office to release the documents
8 and materials, and that this will be sufficient to do so.

9 **IT IS SO STIPULATED.**

10 Dated: May 12, 2008

Joseph P. Russoniello
United States Attorney

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12 /S/ _____
Joseph A. Fazioli
13 Assistant United States Attorney

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15 Dated: May 12, 2008

16 /S/ _____
Mark R. Vermeulen
17 Attorney for Defendant
BERNADETTE ESCUE

18
19 **ORDER**

20 Based on the foregoing stipulation, and good cause appearing,

21 **IT IS HEREBY ORDERED** that all documents and materials provided thus far by the entities
22 requesting restitution shall be provided to the Government and the defense by the Probation Office, and
23 that all such documents and materials provided in the future by any entity requesting restitution shall be
24 provided simultaneously to the Government, the defense and the Probation Office.

25 **IT IS SO ORDERED.**

26
27 Dated: May 13, 2008

28 
29 _____
Jeremy Fogel
United States District Judge